

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EVAN KERZER,

Plaintiff,

- against -

CITY OF NEW YORK, CAPTAIN WILLIAM
ROBIN, JOHN DOES 1-5,

Defendant.
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: **MEMORANDUM & ORDER**

: 17-cv-1488 (AMD) (LB)

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FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ MAR 26 2018 ★

BROOKLYN OFFICE

ANN DONNELLY, District Judge.

The *pro se* plaintiff filed this civil rights action on March 16, 2017, against The City of New York and individual officers. (ECF No. 1.) On March 22, 2017, Magistrate Judge Lois Bloom ordered the plaintiff to serve the defendants with the summons and complaint by June 14, 2017 under Fed. R. Civ. P. 4(m). (ECF No. 4.) After the plaintiff did not comply, Judge Bloom warned him that if he did not file proof of timely service, she would recommend that the action be dismissed without prejudice. (ECF No. 5.) On October 12, 2017, Judge Bloom issued a *sua sponte* report and recommendation recommending that I dismiss the plaintiff's action without prejudice. (ECF No. 6.) Neither party filed objections.

In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which there was no objection, the district court need only find that there was no clear error. *White v. W. Beef Properties, Inc.*, No. 07-cv-2345-RJD-JMA, 2011 WL 6140512, at *2 (E.D.N.Y. Dec. 9, 2011).

Judge Bloom's recommendation is sound. Thus, I adopt Judge Bloom's report and recommendation in its entirety, and dismiss the plaintiff's action without prejudice, under Fed. R. Civ. P. 4(m).

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
March 26, 2018